

LOCAL GOVERNMENT FINANCE

CS/CS/SB 202 — Community Contribution Tax Credit

by Government Efficiency Appropriations Committee; Commerce and Consumer Services Committee; and Senators Saunders, Crist, and Bullard

This bill extends the Community Contribution Tax Program through June 30, 2015, increases from \$10 million to \$12 million the total annual amount of tax credits that may be granted under the program, and reserves 80 percent of \$10 million of the available tax credits for businesses that contribute to home ownership opportunities for low-income and very-low-income households for the first 6 months of each fiscal year. For credits in excess of \$10 million, 70 percent is reserved for businesses that contribute to low income housing programs. The bill also revises the procedures governing the distribution of tax credits.

Additionally, the bill revises the eligibility requirements for the Capital Investment Tax Credit Program to include a new or expanded facility engaged in a specified target industry that creates or retains at least 1,000 jobs (100 of which must be new and pay 130 percent of the average private sector wage in the area), and makes a cumulative capital investment of at least \$100 million after July 1, 2005. The bill limits the amount of tax credits to 50 percent of the increased annual corporate income or premium tax liability generated by the qualifying project.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 36-0; House 113-0

SB 470 — Indigent Care Surtax

by Senators Argenziano and Lawson

This bill reenacts subsection (7) of s. 212.055, F.S., authorizing counties with a population of less than 800,000 to impose the Voter-Approved Indigent Care Surtax up to the rate of 0.5 percent, except that if a publicly supported medical school is located in the county, the rate shall not exceed 1 percent.

In addition, the bill authorizes counties with a population of fewer than 50,000 residents to levy an indigent care surtax of up to 1 percent, rather than 0.5 percent as authorized in current law, pursuant to an ordinance conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. The bill expands the purposes for which the tax may be used in counties with fewer than 50,000 residents to include issuing bonds to finance, plan, construct, or reconstruct a public or not-for-profit hospital in the county and any land acquisition, land improvement, design, or engineering costs related to such hospital, if the

governing body determines that a hospital in existence at the time of the issuance of the bonds would, more likely than not, otherwise cease to operate. The bill requires the clerk of the circuit court, as the ex officio custodian of the funds of the authorizing county, to disburse the funds to service bond indebtedness upon a directive from the authorizing county.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-2; House 110-3

SB 878 — Delinquent Property Taxes

by Senators Baker and Posey

This bill provides for a 2-year pilot program in Lake, Marion, Seminole, and Sumter counties to study the effectiveness of requirements governing the advertisement of properties with delinquent taxes. Specifically, the bill provides that specified tax collectors must submit a report which compares the effectiveness of single publication versus triple publication by listing the number and percentage of properties on which delinquent taxes were paid after single publication in comparison to the number and percentage of properties on which delinquent taxes were paid after three publications.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-2; House 58-56

CS/SB 1194 — Homestead Assessments

by Community Affairs Committee, and Senators Bennett and Lynn

This bill provides that the assessment at just value for changes, additions, or improvements to homestead property rendered uninhabitable in one of the named storms of 2004 shall be limited to the square footage exceeding 110 percent of the property's pre-storm square footage. In addition, eligible homes having square footage less than 1,350 square feet may rebuild up to 1,500 square feet without incurring additional assessment. Repairs to homestead properties must be completed by January 1, 2008, in order to qualify for these assessment limitation provisions.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 117-0

HB 349 — Auditor Selection Procedures

by Rep. Brummer and others (CS/SB 1072 by Governmental Oversight and Productivity Committee and Senator Atwater)

This bill (Chapter 2005-32, L.O.F.) implements a number of revisions to financial auditor selection procedures used by local governmental entities. The bill clarifies existing statutory

language to provide that financial audits undertaken pursuant to s. 218.39, F.S., must be prepared by a certified public accounting firm licensed under ch. 473, F.S., and qualified to conduct audits in accordance with government auditing standards adopted by the Florida Board of Accountancy.

The bill provides that the governing body of a charter county, municipality, special district, district school board, charter school, or technical career center must establish an audit committee. Similarly, the bill provides that noncharter counties must establish an audit committee that, at a minimum, consists of each of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, or a designee, and one member of the board of county commissioners or its designee. Audit committees are also specifically authorized to establish factors for use in the evaluation of proposals for audit services. Factors to be considered include, but are not limited to: (1) ability of personnel; (2) experience; (3) ability to furnish the required services; and (4) other applicable factors.

Audit committees are required to publicly announce the opportunities for auditing services through the issuance of requests for proposals (RFP). The RFP must include information on how proposals are to be evaluated and other information necessary to enable interested firms to respond. In addition, audit committees are to evaluate proposals submitted by qualified firms. Compensation may be used as a factor in evaluating audit proposals, however, it cannot be the sole or predominant factor used to evaluate proposals. Finally, audit committees are directed to rank and recommend in order of preference a minimum of three firms deemed to be the most highly qualified.

The bill provides that after inquiring of qualified firms as to the basis of compensation, the appropriate governing body is required to select one of the firms recommended by the audit committee and negotiate a contract using one of the following methods: (1) if compensation is not one of the established evaluation factors, the governing body must negotiate a contract with the firms according to ranked order; (2) if compensation is one of the established evaluation factors, the governing body must select the highest ranked qualified firm, or if another firm is selected, document in the public record its reason for selecting a firm other than the highest-ranked firm; and (3) a governing body may select a firm recommended by the audit committee and negotiate a contract using an appropriate alternative procurement method which does not use compensation as the sole or predominant factor in firm selection. Finally, the bill requires the use of written contracts for audit services.

These provisions were approved by the Governor and take effect July 1, 2005.

Vote: Senate 40-0; House 113-0

HB 499 — Property Appraiser Assessments

by Rep. Antone and others (CS/SB 1270 by Government Efficiency Appropriations and Senators Saunders and Constantine)

This bill requires real property to be physically inspected every 5 years for purposes of assessing the value of the property rather than every 3 years. Additionally, the bill revises the definition of the term “outdoor recreational and park purposes” (for the assessment of certain lands) to clarify the meaning of the term, “open to the general public” as applied to a golf course.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 106-7

GROWTH MANAGEMENT

CS/CS/CS/SB 360 — Infrastructure Planning and Funding

by Ways and Means Committee; Transportation Committee; Community Affairs Committee; and Senator Bennett

The bill appropriates \$1.5 billion in new money for various transportation, water and school infrastructure programs and makes numerous changes to the laws governing growth management in Florida.

Specifically, the bill requires a local government’s comprehensive plan to be financially feasible and the capital improvements element in a local comprehensive plan to include a schedule of improvements that ensure the adopted level-of-service standards are achieved and maintained. Also, it requires an annual review of the capital improvements element to maintain a financially feasible 5-year schedule of capital improvements. Capital improvements element amendments must be adopted and transmitted no later than December 1, 2007. The bill provides for sanctions if the amendment and subsequent updates are not transmitted timely.

The bill strengthens the link between development approval and water supply planning. Specifically, the potable water element must incorporate water supply projects identified by the local government from the regional water supply plan or proposed by the local government within 18 months after the update of the regional water supply plan. Prior to the approval of a building permit or its functional equivalent, a local government is required to consult with the applicable water supplier to determine whether adequate water supplies will be available to serve the new development at the certificate of occupancy.

Adequate school facilities must be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval. Each local government must adopt a public school facilities element and the required update to the interlocal agreement by December 1,

2008. The state land planning agency shall provide a phased schedule for these amendments. The bill requires a local government's comprehensive plan to include proportionate fair-share mitigation options for schools.

Transportation facilities must be in place or under actual construction within 3 years from the local government's approval of a building permit or its functional equivalent that results in traffic generation. Each local government must adopt a methodology for assessing proportionate fair-share mitigation options by December 1, 2006. A developer may choose to satisfy transportation concurrency requirements by contributing or paying proportionate fair-share mitigation for those facilities or segments that are identified in the 5-year schedule of capital improvements. Updates to the 5-year schedule may not be found not in compliance by the state land planning agency if additional contributions or payments are reasonably anticipated during a 10-year period to fully mitigate impacts on the transportation facilities. If the funds in an adopted 5-year schedule are insufficient to fully fund construction of the transportation improvements required by the local government's transportation concurrency management system, the local government may still enter into a binding proportionate share agreement with the developer. This agreement would allow a developer to construct the amount of development on which the proportionate fair share is calculated if the amount in the agreement is sufficient to pay for an improvement that will, in the opinion of a governmental entity, significantly benefit the impacted transportation system.

The bill revises the rural land stewardship area program to require a plan amendment establishing such an area to provide a process for mixed land uses that include adequate available work force housing and affordable housing. Also, a stewardship receiving area must have a listed species survey. The bill addresses the issue of balancing the impacts to areas developed as receiving areas and the environmental benefits of protected areas when determining the adequacy of protection of listed species habitat within rural land stewardship areas. Following adoption of the plan amendment, the local government must adopt a methodology for the transfer of credits within the rural land stewardship area by ordinance.

This bill increases the 10-acre residential density limitation for small scale amendment review within a rural area of critical economic concern as designated under s. 288.0656(7), F.S., if the local government certifies that certain economic objectives are met. The bill also amends the 10-acre residential density threshold for small scale review to include amendments for which the proposed future land use category allows a maximum residential density that is the same or less than the density allowable under the existing future land use category. Small scale amendment review is also provided for amendments involving the construction of affordable housing units meeting certain criteria.

A local government is encouraged to develop a community vision. The process of developing a community vision requires the local government to hold a workshop with stakeholders and two public hearings. Also, a local government is encouraged to adopt an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year

planning timeframe. The establishment of an urban service boundary does not preclude development outside the boundary.

As an incentive for development within an urban service boundary established under the provisions of the bill or in an urban infill and redevelopment area as designated under s. 163.2517, F.S., the bill provides for small scale review of map amendments within the urban service boundary or designated urban infill and redevelopment area. However, this provision does not apply in areas of critical state concern or to amendments that would increase densities in high hazard coastal areas. As an additional incentive, development within an urban service boundary is exempt from development-of-regional-impact review if the local government has entered into a binding agreement with certain jurisdictions and the FDOT regarding the mitigation of certain impacts and has adopted a proportionate share methodology. This exemption from development-of-regional-impact review is also extended to proposed development within a Rural Land Stewardship Area and proposed development or redevelopment within an urban infill and redevelopment area designated under s. 163.2517, F.S.

The bill address the evaluation and appraisal report process under s. 163.3191, F.S. Amendments to update a comprehensive plan based on an evaluation and appraisal report (EAR) must be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the EAR shall result in a prohibition on plan amendments until the EAR-based amendments are adopted and transmitted to the state land planning agency.

The Office of Program Policy Analysis and Government Accountability is directed to perform a study by December 31, 2005, regarding adjustments to the boundaries of the Florida Regional Planning Councils, Florida Water Management Districts, and Florida Department of Transportation Districts. The written report will be submitted to the Governor and the Legislature by January 15, 2006.

The bill creates the 15-member Century Commission for a Sustainable Florida with its members to be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. One member will be designated by the Governor as Chairman. The members will represent diverse interests, with the first meeting to be held not later than December 1, 2005. Beginning January 16, 2007, the Century Commission will send an annual written report to the Governor and the Legislature. The President of the Senate and the Speaker of the House of Representatives will create a joint select committee in 2007 to review the findings and recommendations of the commission.

This bill creates the School Concurrency Task Force to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The 11-member task force must report to the

Governor and the Legislature by December 1, 2005, with specific recommendations for revisions to the Florida Statutes and administrative rules.

In addition, the bill creates the Florida Impact Fee Review Task Force to be composed of 15 members who are charged with surveying and reviewing the current use of impact fees as a method of financing local infrastructure to accommodate new growth and current case law controlling the use of impact fees. The Legislative Committee on Intergovernmental Relations will serve as staff to the task force. The task force shall provide a report to the Governor and the Legislature by February 1, 2006.

The bill establishes the Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant facilities in regional transportation areas. Funding awarded for projects under this program require a 50-percent local match from funds other than a state-funded infrastructure bank loan. For a 2-year period, the bill allows the Florida Department of Transportation to include right-of-way services as part of certain design-build contracts and to combine the design and construction phases of any project into a single contract.

This bill provides funding for the Water Protection and Sustainability Program in s. 403.890, F.S., which is created in SB 444. Also, this bill establishes the High Growth District Capital Outlay Assistance Program in s. 1013.78, F.S., to provide funds for qualifying high student enrollment growth school districts. This bill provides additional funding for school construction to districts meeting the program's criteria. The eligibility criteria for this program includes a requirement that the school district must have levied the full 2 mills of nonvoted discretionary capital outlay millage for each of the past 4 fiscal years. Under the criteria, a district must have also equaled or exceeded twice the statewide average of growth in capital outlay FTE students over this same 4-year period. Although the Legislature may appropriate additional funds for the program, the annual appropriation contained in the bill is \$30 million.

Under this bill, a landowner that filed an application for development of regional impact review before the adoption of an optional sector plan may elect to have the application reviewed under the development-of-regional-impact program and the comprehensive plan provisions in place before the adoption of the sector plan. The bill grandfathers developments of regional impact from the provisions of the bill amending chs. 163 and 380, F.S., if the development order has been issued or the application submitted prior to May 1, 2005.

The bill appropriates \$3 million annually from the Grants and Donations Trust Fund to the Department of Community Affairs for technical assistance. Also, \$250,000 is annually appropriated to support the Century Commission.

The bill appropriates \$1.5 billion, consisting of \$750 million nonrecurring and \$750 million recurring, for 2005-2006 to fund specified transportation, school, and water projects. It appropriates \$750 million annually, thereafter, to fund these types of projects. The following table outlines the appropriations contained in this bill.

| Appropriations in S 360 | Recurring DOC Stamp | Non-recurring General Revenue |
|---|-------------------------|-------------------------------|
| State Transportation Trust Fund | | |
| New Starts Transit Program | \$54.175 million | |
| Small County Outreach Program | \$27.0875 million | |
| Strategic Intermodal System | \$345.3656 million | \$175 million* |
| Transportation Regional Incentive Program | \$115.1219 million | \$275 million |
| State Infrastructure Bank | | \$100 million |
| County Incentive Grant Program | | \$25 million |
| Subtotal | \$541.75 million | \$575 million |
| Department of Environmental Protection | | |
| Water Protection and Sustainability Trust Fund | \$100 million | \$100 million |
| Subtotal | \$100 million | \$100 million |
| Public Education Capital Outlay | | |
| Classrooms For Kids | \$75 million** | \$41.65 million |
| High Growth District Capital Outlay Assistance Grant Program | \$30 million | \$30 million |
| Subtotal | \$105 million | \$71.65 million |
| DCA Grants and Donations Trust Fund | | |
| Technical Assistance | \$3 million | \$3 million |
| Century Commission | \$250,000 | \$250,000 |
| School Concurrency Task Force | | \$50,000 |
| Impact Fee Task Force | | \$50,000 |
| Subtotal | \$3.25 million | \$3.35 million |
| Totals for 2005-2006 | \$750 million | \$750 million |
| <p>* S 360 appropriates \$200 million for 2005-2006 to fund projects on the Strategic Intermodal System. This appropriation should be reduced to \$175 million in the glitch bill for the 2006 session.</p> <p>** S 360 appropriates \$75 million from doc stamp revenue to PECO, but only transfers \$41.75 million to the Classrooms for Kids program in 2005-2006. The balance of \$33.25 should be transferred in the glitch bill for the 2006 session or transferred pursuant to a budget amendment before the LBC during the fiscal year.</p> | | |

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 114-0

HB 517 — University Campus Planning

by Rep. Cannon and others (SB 2614 by Senator Constantine)

The bill amends s. 1013.30, F.S., which governs the development and adoption of university campus master plans. It requires a university campus master plan to identify the general location of structures. The bill provides for an electronic copy of the draft master plan to the host local government, any affected local government, reviewing agencies, and the applicable water

management district and regional planning council. At the request of a governmental entity, a hard copy must be made available within 7 business days after the electronic copy is available.

The bill requires an informal public information session prior to the two scheduled public hearings before the university board of trustees may adopt a campus master plan. The first public hearing must be held prior to sending the draft master plan to specified agencies. The second public hearing must be held in conjunction with the adoption of the draft master plan.

The bill limits an individual's petition challenging the campus master plan to a person who has submitted oral or written comments, recommendations, or objections during the time period between the advertisement of the first public hearing and the adoption of the campus master plan or plan amendment. If the plan or plan amendment is amended at the adoption hearing, the time period for such comments shall be extended by 7 calendar days. Comments, recommendations, and objections submitted during the extension are limited to the amendments adopted at the adoption hearing. The bill permits the university to negotiate and execute a campus development agreement while a challenge to the campus master plan is pending.

The bill amends s. 1013.30(8), F.S., replacing the state land planning agency's informal hearing with an evidentiary hearing, to be held by the Division of Administrative Hearings. Under this bill, the state land planning agency issues the final order instead of the Administration Commission. The bill also creates s. 1013.30(8)(d), F.S., to allow an administrative law judge to impose sanctions on the person challenging the campus master plan or their representative if the challenge was filed for improper or frivolous purposes.

Finally, the bill authorizes the Florida Gulf Coast University, subject to approval by the Board of Governors, to establish a School of Engineering that would award bachelor of science degrees in bioengineering, environmental and civil engineering, and engineering management.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 113-1

HB 955 — Waterfront Property

by Rep. Berfield and others (CS/CS/SB 1316 by Environmental Preservation Committee; Community Affairs Committee; and Senator Posey)

This bill addresses a range of issues relating to recreational and commercial waterfront property and the preservation of public boating access to waterways. In addition to providing legislative findings and a definition for the term "recreational and commercial working waterfronts," the bill provides for the following:

- Requires counties to include strategies for preserving recreational and commercial working waterfronts within their comprehensive plans.
- Provides that the Board of Trustees of the Internal Improvement Trust Fund must encourage the use of sovereign submerged lands for water-dependent uses and public access.
- Includes more applicable forms of authorization so the Board of Trustees and the Department of Agriculture and Consumer Services have the opportunity to consider alternative forms of authorization which may be more appropriate for aquaculture support facilities.
- Directs the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of certain permits for marina projects that reserve a portion of the boat slips for public access.
- Provides technical assistance and support to waterfront communities through the creation of the Waterfronts Florida Program within the Department of Community Affairs.
- Directs the Department of Environmental Protection to evaluate the current use of state parks for recreational boating and identify appropriate locations for the future expansion of public boating access.
- Provides that \$1 from fees paid on boat registration in the state be deposited into the Marine Conservation Trust Fund for public launching facilities.
- Authorizes local governments to establish a property tax deferral program for qualifying recreational and commercial working waterfront properties.
- Exempts a local government and certain military installations from review under the developments-of-regional-impact program.

If approved by the Governor, these provisions take effect January 1, 2006.

Vote: Senate 39-0; House 114-0

MISCELLANEOUS LOCAL GOVERNMENT

SB 252 — Municipal Personnel/Annuities

by Senator Fasano

Currently, s. 121.182, F.S., permits counties to purchase annuities for employees with 25 or more years of creditable service who have reached age 50 and have applied for retirement under the

Florida Retirement System. These annuities may not provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit. This bill extends the same option to cities for employees who meet the same criteria and places the same limitation on the annuity amount. The bill also authorizes cities to purchase annuities for employees for up to 5 years of validated out-of-state service, which counties also are currently authorized to do. The bill also permits cities to invest funds, purchase annuities, and provide local supplemental retirement programs for purposes of providing annuities for city personnel, which counties are authorized to do.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 39-0; House 113-0

CS/CS/SB 434 — Disabilities/Service Animals

by Commerce and Consumer Services Committee; Governmental Oversight and Productivity Committee; and Senators Wise, Fasano, Haridopolos, Rich, and Jones

This bill significantly amends ss. 413.08 and 413.081, F.S., by updating the language so that it coincides with federal language in the Americans with Disabilities Act of 1990, which preempts state and local law and regulations in this area. Specifically, s. 413.08, F.S., is updated to include the following definitions using language that is similar to the federal statutes: housing accommodation, individual with a disability, hard of hearing, physically disabled, public accommodation, and service animal. Additionally, the proposed language changes the way in which state and local governments and public accommodation facilities must provide access to service animals that accompany individuals with disabilities to more closely track federal law. It deletes certain references to "dog guide" and replaces the term with "service animal." Finally, the bill directs the Florida Americans with Disabilities Act Working Group and the Commission on Human Relations to provide recommendations to the Governor on policies the state can implement to ensure the effectiveness of the act and to improve access for individuals with disabilities who are accompanied by service animals.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 114-0

CS/SB 1922 — Public Records/Meetings Exemptions

by Community Affairs Committee and Senators Sebesta and Miller

Currently, s. 112.324, F.S., provides a public records and public meetings exemption for the Commission on Ethics and a county-established Commission on Ethics and Public Trust, with regards to information concerning a complaint or preliminary investigation conducted by those commissions. This bill extends the existing exemption to a Commission on Ethics and Public

Trust that is established by a municipality. Additionally, the bill provides for future review and repeal of the exemptions on October 2, 2010, and includes a statement of public necessity.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 111-1

HB 951 — Small Cities Community Development Block Grant Program

by Rep. Carroll (CS/SB 2284 by Community Affairs Committee and Senator Bennett)

This bill expands the statutorily-approved objectives of the state's Small Cities Community Development Block Grants (CDBG) to include the two remaining objectives of the federal program: eliminating slum and blight and fortifying communities in urgent need. It adds project planning and design to the list of activities that are funded under the program. The bill also adds project planning and design to the list of grant program funding categories within the CDBG program. It changes the method by which funds are allocated to each program category, and changes the amount of federal funds to be set aside for emergency or natural disasters.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 113-1

HB 1159 — Florida Retirement System

by Rep. Bogdanoff and others (CS/SB 1624 by Community Affairs Committee and Senator Campbell)

This bill authorizes a municipality to receive the state excise tax on property tax premiums for firefighter pension plans from another municipality when there is an interlocal agreement in place to provide fire protection services. In addition, the bill allows a local agency senior management service class employee who has withdrawn from the Florida Retirement System a one-time opportunity to elect to participate in either the defined benefit program or the Public Employee Optional Retirement Program.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 40-0; House 112-0

BUILDING SAFETY

CS/CS/CS/CS/SB 442 — Building Safety

by Government Efficiency Appropriations Committee; Banking and Insurance Committee; Regulated Industries Committee; Community Affairs Committee; and Senators Bennett, Haridopolos, and Campbell

This bill addresses a number of issues relating to the development and administration of the Florida Building Code (code) and related building safety requirements. Specifically, the bill implements the following provisions:

- Revises the distribution of funds from the Hurricane Loss Mitigation Program and provides for the use of such funds for specified code-related education initiatives, effective July 1, 2006.
- Provides that the Office of Insurance Regulation must review the performance of the Hurricane Loss Mitigation Program and make recommendations to the insurance industry, and such recommendations may be used by insurers for potential discounts or rebates to residential property insurance pursuant to s. 627.0629, F.S.
- Allows nursing home residents or their representatives to request a change in the placement of the bed in their room, provided it does not infringe on the resident's roommate or interfere with the resident's care or safety.
- Provides that it is grounds for discipline for a building code administrator, engineer, or registered architect to perform building code inspections without the necessary insurance.
- Bars cities and counties from imposing additional certification or licensure requirements for state certified electrical and alarm contractors.
- Revises procedures governing the adoption and amendment of the Florida Building Code.
- Provides new procedures for binding review of building code decisions by local building officials.
- Clarifies provisions relating to truss placement plans and the code.
- Allows a fee owner's contractor, rather than only the fee owner, to use a private provider for building code inspection services.
- Eliminates the requirement that the private provider of code inspection services maintain comprehensive general liability insurance and increases professional liability insurance requirements.

- Restricts local governments' ability to use building code fee revenues for non-related activities.
- Exempts commission and hearing officer panels from Administrative Procedures Act rule requirements when reviewing decisions of local building officials.
- Revises the administration and operation of the Florida Building Code Training Program.
- Modifies provisions relating to the local product approval and evaluation process and includes the International Code Council Evaluation Service as an authorized product evaluation entity.
- Requires a local government that adopts a fire sprinkler requirement for one and two family residences to investigate the economic consequences of the requirement.
- Establishes an informal process for rendering non-binding interpretations of the Florida Fire Prevention Code.
- Provides a standard for the construction and retrofitting of doors and windows in essential facilities.
- Requires the inspection of backflow prevention assemblies every three years.
- Provides for the regulation of employees of fire suppression contractors who conduct inspections.
- Creates certain requirements for the design of interior stairways in dwelling units.
- Authorizes the State Fire Marshall to adopt, by rule, standards for inspection tags for fire protection systems.
- Requires inspection of fire protection systems using national standards.
- Creates the Water-Based Fire Protection Inspector permit classification.
- Decreases the amount of the biennial renewal fee for fire protection certificate holders from \$250 to \$150, and provides for other fees.
- Establishes continuing education requirements for certain categories of permit holders.
- Requires that inspection of fire protection systems be conducted by certificate holders or permit holders employed by certificate holders, and provides for discipline of permit holders.

- Specifies that swimming pool exit alarms that comply with Underwriters Laboratory Standard Number 2017 satisfy the requirement of ch. 515, F.S.
- Incorporates by reference into the Florida Building Code permitted standards for unvented attic assemblies in the International Residential Code.
- Provides that an application to a county or municipality for a site development plan, building permit, or other permit must be acted upon within 120 days, unless the applicant agrees to an extension.
- Directs the Florida Building Commission to update the Florida Building Code with the most recent and relevant design standards for wind resistance of buildings issued by the American Society of Civil Engineers (ASCE Standard 7).
- Provides that the option for designing for internal pressure for buildings within the windborne debris region shall be repealed immediately upon adoption of standards and conditions within the International Building Code or International Residential Code prohibiting such option design.
- Appropriates \$200,000 from the Insurance Regulatory Trust Fund to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection.
- Requires the Florida Building Commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Building Code as it relates to the region from the eastern border of Franklin County to the Florida-Alabama line.
- Provides that the effective date of the Florida Building Code, 2004 Edition, shall be October 1, 2005, however, the bill stipulates that building plans submitted for review between July 1, and October 1, may elect to undergo compliance review using either the current edition of the code or the new 2004 edition of the code.
- Instructs the commission to evaluate the definition of “exposure category C” in the Florida Building Code and make recommendations for changing the definition to the Legislature.
- Repeals s. 553.851, F.S., relating to the procedure for recording and determining the location of underground gas pipelines.
- Provides that any disaster recovery mitigation organization or not-for-profit organization using volunteer labor to repair or replace disaster-impacted one-, two-, or three-family residences must obtain necessary building permits, obtain all required building code

inspections, and provide for the supervision of all work by an individual with construction experience.

- Creates the Manufactured Housing Regulatory Study Commission to review programs regulating manufactured and mobile homes currently within the Department of Highway Safety and Motor Vehicles.
- Delays the implementation of two technical modifications (relating to the use of certain plywood for roofing) to the Florida Building Code pending further review by the Building Code Commission.
- Instructs the commission to amend the Florida Building Code to allow use of enclosed and unenclosed areas under mezzanines for the purpose of calculating the permissible size of mezzanines in sprinklered S2 occupancies of Type III construction.
- Instructs the Florida Building Commission to convene a workgroup to study the recommendation for a single product validation entity.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 115-1

HB 567 — Alternative Plan Review and Inspection

by Rep. Galvano and others (CS/SB 1470 by Regulated Industries Committee and Senator Constantine)

Currently, s. 553.791, F.S., establishes an alternative plans review and inspection program which authorizes the use of private providers for the overview of construction projects and compliance with building code standards. This section authorizes the fee owner of a building or structure to use and pay a private provider (an engineer or architect) to perform building code inspection services, subject to a written contract between these parties. The owner may use a private provider to offer both plans review and required building inspections, or to use the local enforcement agency for one or both of these purposes.

This bill provides that a contractor, in addition to the owner of the property and upon written authorization from the owner, may choose a private provider to furnish building plans review and inspection services. In addition, the bill eliminates the requirement that the private provider maintain comprehensive general liability insurance with minimum policy limits of one million dollars per occurrence, but retains the requirement that private providers are to maintain certain professional liability insurance.

In addition, the bill requires that the private provider maintain insurance for professional liability with minimum policy limits of \$1 million per occurrence and \$2 million in the aggregate for any

project with a construction cost of \$5 million or less. If the project has a construction cost of over \$5 million, the insurance must have minimum policy limits of \$2 million per occurrence and \$4 million in the aggregate. Finally, the fee owner may require additional insurance.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 38-0; House 113-1

HB 835 — Wind-Protection/Florida Building Code

by Rep. Detert and others (CS/SB 1232 by Community Affairs Committee and Senators Lynn and Wilson)

This bill directs the Florida Building Commission to update the Florida Building Code with the most recent and relevant design standards for wind resistance of buildings issued by the American Society of Civil Engineers (ASCE Standard 7). The bill also repeals the current option for designing buildings to resist internal pressures when the commission adopts the relevant national standards prohibiting such design options.

The bill appropriates \$200,000 from the Insurance Regulatory Trust Fund to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection. The bill also requires the commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the code as it relates to the region from the eastern border of Franklin County to the Florida-Alabama line. Finally, the bill instructs the commission to evaluate the definition of “exposure category C” in the code and make recommendations for changing the definition to the Legislature.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 116-0

AFFORDABLE HOUSING

CS/CS/SB 334 — Public Housing

by Governmental Oversight and Productivity Committee; Commerce and Consumer Services Committee; and Senators Saunders, Lynn, Fasano, Dockery, and Bennett

This bill authorizes public housing authorities (PHAs) to create for-profit and not-for-profit corporations, limited liability companies, and similar business entities in which the PHA may have ownership or management interests in order to develop specified residential projects. These projects may include nonresidential uses and may utilize public and private funds to serve individuals and families who: (1) meet the applicable income requirements of the state and

federal programs involved; (2) have income that does not exceed 150 percent of the applicable median income for the area; and (3) in the opinion of the PHA, lack sufficient income or assets to enable them to purchase or rent a decent, safe, and sanitary dwelling.

The bill also ratifies the existence of any existing for-profit or not-for-profit entity or public-private partnership entered into by a PHA prior to the effective date of the bill if the existence of that entity would be authorized under the terms of the bill. Further, the acts of those entities are validated and ratified under the bill if those acts would be lawful under the terms of the bill. Finally, the bill clarifies that PHA governing boards may adopt policies for per diem, travel, and other expenses that are consistent with federal guidelines.

The bill authorizes the Florida Housing Finance Corporation to waive the annual recertification of occupant income for certain projects funded under the State Apartment Incentive Loan Program.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 114-0

SB 724 — Affordable Housing/Elderly

by Senators Margolis, Baker, and Bullard

This bill increases the maximum loan amount under the State Apartment Incentive Loan Program for projects funded through the Elderly Housing Community Loan Program from \$200,000 to \$750,000 per housing community.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 117-0

VETERANS AND MILITARY AFFAIRS

SB 550 — Property Tax Exemption/Disabled Veterans

by Senators Clary, Fasano, Bennett, Posey, and Lynn

This bill grants a \$5,000 property tax exemption to the un-remarried surviving spouse of a veteran who is otherwise entitled to the exemption. To obtain the exemption, the un-remarried spouse must have been married to the veteran for at least 5 years. This exemption is in addition to the \$500 property tax exemption currently available to all resident widows and widowers in this state, pursuant to s. 196.202, F.S.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 116-0

HB 1069 — Family Readiness Program/Military

by Rep. Negron and others (CS/SB 1592 by Community Affairs Committee and Senators Haridopolos, Pruitt, Villalobos, Baker, Fasano, Atwater, Bennett, Clary, Saunders, Lynn, Sebesta, Jones, Wise, Alexander, Webster, King, Posey, Peaden, Constantine, Diaz de la Portilla, Argenziano, Crist, Rich, and Wilson)

This bill creates the Family Readiness Program under the Department of Military Affairs. The purpose of the program is to provide need-based assistance to families of members of the Florida National Guard and United States Reserve Forces, including the Coast Guard Reserve, who are on active duty serving in the Global War on Terrorism or Homeland Defense operations.

The program's implementation depends on an appropriation expressly provided for the program. All funds are intended for the purpose of assisting families of deployed members of the Florida National Guard and Reserve Forces and are not to be used for staffing or administrative costs. Program funds may be used in emergency situations to purchase critically needed services, including, but not limited to, living expenses, housing, vehicles, equipment or renovations necessary to meet disability needs, and health care.

Those eligible to receive awards under this program are military dependents or those appearing on an eligible service member's Emergency Data Record (Department of Defense Form 93). The Adjutant General (or his or her designee) shall receive recommendations from the program director and is authorized to award funds from the program to the families to assist with the requests. The Department of Military Affairs is to conduct monthly internal audits through its inspector general and provide data every year in an annual report to the Governor and Legislature. The bill also authorizes the Department of Military Affairs to establish rules governing eligibility requirements and implementation of the program.

Finally, the bill appropriates \$5,000,000 from the General Revenue Fund for the program.

These provisions became law upon approval by the Governor on July 1, 2005.

Vote: Senate 40-0; House 117-0

HB 1189 — Child's Education/Deceased Veteran

by Rep. Jordan and others (CS/SB 1458 by Community Affairs Committee and Senators Constantine, Klein, and Crist)

This bill amends s. 295.01, F.S., to revise provisions relating to post-secondary educational benefits for the dependents of deceased or disabled military veterans. The bill revises program eligibility to eliminate the requirement that the deceased or disabled veteran must have been a Florida resident at the time of entry into the Armed Forces. Similarly, the bill eliminates the

requirement that the qualifying veteran must have been a resident of the state for 5 years preceding the application for benefits, and provides that the veteran must have been a resident of the state for 1 year immediately preceding the death or occurrence of such disability.

The bill also extends program eligibility to the dependents of veterans who die or are disabled while serving in Operation Iraqi Freedom.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 118-0